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**IN THE THIRD DISTRICT COURT
IN AND FOR THE STATE OF UTAH**

MARK CHRISTOPHER TRACY, DBA
EMIGRATION CANYON HOME OWNERS
ASSOCIATION,

Petitioner,

vs.

SIMPLIFI COMPANY, a Utah Corporation,
ERIC HAWKES, an individual, and
JENNIFER HAWKES, an individual

Respondents.

**MOTION TO STRIKE PETITIONER'S
OBJECTION TO REPLY
MEMORANDUM**

Case No. 200905123

Judge: Robert Faust

Respondents Simplifi Company (“**Simplifi**”), Eric Hawkes (“**Mr. Hawkes**”) and Jennifer Hawkes (“**Mrs. Hawkes**”) (collectively “**Respondents**”) through counsel, respectfully move the Court to strike Petitioner’s *Objection to Reply and Memorandum Opposing Altered Motion for Attorney Fees* (the “**Objection**”)

ARGUMENT

The Objection is nothing more than a sur-reply that is not permitted under URCP Rule 7 and should therefore be stricken by the Court. For example, the Objection argues that because Mrs. Hawkes is the Deputy Mayor of the Emigration Canyon Township (which is a separate public entity from EID), she is therefore a public employee and subject to potential criminal penalties based on EID's purported failure to provide public records to Petitioner. This is a new argument that Petitioner is raising for the first time in his sur-reply. Moreover, it is completely irrelevant. This is not a criminal proceeding so Utah Code Ann. § 63G-2-801(3)(a) has no relevance to this matter.

In contrast, Petitioner's continued attacks against Mrs. Hawkes based on her position as Deputy Mayor of the Emigration Canyon Metro Township reiterates that this matter has nothing to do with EID allegedly failing to disclose lead testing results (which Petition never argues he hasn't received) and is instead just a personal attack against Petitioners.

In summary, the Court should strike the Objection, dismiss this case with prejudice, and award Respondents their attorney fees.

DATED this 10th day of September 2020.

COHNE KINGHORN

/s/ Jeremy R. Cook _____

Jeremy R. Cook

Tim Nielsen

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of September 2020, a true and correct copy of the foregoing document was served by email and first-class mail to the following:

Mark Christopher Tracy
dba Emigration Canyon Home Owners Association
1160 E. Buchnell Dr.
Sandy, Utah 84094

/s/ Jeremy Cook